

REMARKS

I. Status of Claims

Claims 1 to 24 were pending in the present application as reflected in preliminary amendment filed on March 7, 2006. Claims 16 to 24 are cancelled without prejudice in response to the Restriction Requirement. New claims 25 to 29 have been added for consideration. Support for new claims 25 to 29 can be found in the specification of the present invention, for example, paragraphs [0058] and [0148] of U.S. Patent Application Publication No. US 2006/0292081. Claims 1 to 15 and 25 to 29 are now pending. It is respectfully submitted that no new matter was added in this amendment.

II. Restriction Requirement

In the Office Action, the Examiner asserted that the present application contains claims which are directed to the following two distinct inventions and stated that restriction to one of the two inventions is required:

- | | |
|-----------|---|
| Group I. | Claims 1 to 15, drawn to a method of making a dry powder composition for pulmonary inhalation; or |
| Group II. | Claims 16 to 24, drawn to a dry powder composition for pulmonary inhalation. |

In response, Applicants elect, without traverse, Group I (Claims 1 to 15) drawn to a method of making a dry powder composition for pulmonary inhalation. Claims 16 to 24 were related to the invention of Group II, and, therefore, were canceled as reading on the non-elected invention. It is respectfully submitted that pending claims 1 to 15 encompass and are readable on the elected invention.

III New claims 25 to 32

New claims 25 to 29 have been added for consideration. Claims 25 to 29 depend directly from pending claim 1 which is drawn to a method of making a dry powder composition for pulmonary inhalation. Support for new claims 25 to 29 can be found in the specification of the present invention, for example, paragraphs [0058] and [0148] of U.S. Patent Application

Publication No. US 2006/0292081. Claims 1 to 15 and 25 to 29 are currently pending for consideration.

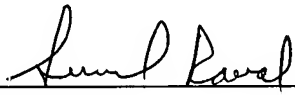
Conclusion

This Response is being submitted in response to the Office Action dated June 15, 2009 in the above-identified application. Concurrently with this Amendment in Response to the Restriction Requirement dated June 15, 2009, Applicant submits a petition for a one-month extension of time for filing a response, along with a check in the amount of \$130.00 to cover the requisite fee for a large entity. Therefore the time for filing a response to the Restriction Requirement dated June 15, 2009 is thereby extended to August 15, 2009. If it is determined that any additional fee is due in connection with this filing, the Commissioner is authorized to charge said fees to Deposit Account No. 50-0552.

An early and favorable action on the merits is earnestly requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Sunil Raval,
Reg. No. 47,886

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940